

Calendar No. 372

110TH CONGRESS
1ST SESSION**S. 800****[Report No. 110–174]**

To establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. SCHUMER (for himself and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Niagara Falls National
5 Heritage Area Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Niagara Falls and the Niagara River Gorge
4 are natural phenomena that are—

5 (A) overwhelming in physical magnitude;
6 and

7 (B) deeply embedded in the popular con-
8 sciousness;

9 (2) the Niagara River Gorge is an exceptionally
10 scenic corridor carved by the movement of Niagara
11 Falls due to erosion from the original location of Ni-
12 agara Falls near Lewiston, New York, a process
13 that began more than 10,000 years ago;

14 (3) Niagara Falls has been a leading inter-
15 national tourist attraction for 200 years, influencing
16 the development of tourism and nature conservation
17 in North America;

18 (4) in approximately 1895, Niagara Falls be-
19 came the foremost source of hydroelectric power in
20 North America, stimulating the development of inno-
21 vative heavy industries in Niagara Falls and Buf-
22 falo, New York;

23 (5) the 3 National Historic Landmarks along or
24 near the Niagara River are—

1 (A) the Adams Power Transformer House,
2 in Niagara Falls, which is the birthplace of the
3 modern hydroelectric power station;

4 (B) the Niagara Reservation, designed by
5 landscape architect Frederick Law Olmsted,
6 which is considered to be the oldest State park
7 in the United States; and

8 (C) the Colonial Niagara Historic District,
9 in Lewiston and Youngstown, New York, which
10 includes Old Fort Niagara;

11 (6) the Niagara River area, a boundary between
12 the United States and Canada—

13 (A) has played an important role in Indian
14 culture, the French and English colonial strug-
15 gle to control North America, the American
16 Revolution, the War of 1812, and the Under-
17 ground Railroad; and

18 (B) reflects national differences and simi-
19 larities between the United States and Canada;
20 and

21 (7) although concentrated primarily along the
22 Niagara River in Niagara County, New York, there
23 are also important thematically related sites located
24 throughout Niagara and Erie Counties, New York,

1 that support and reinforce the important stories and
 2 heritage of the Niagara region.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) COMMISSION.—The term “Commission”
 6 means the Niagara Falls National Heritage Area
 7 Commission established by section 5(a).

8 (2) GOVERNOR.—The term “Governor” means
 9 the Governor of the State.

10 (3) HERITAGE AREA.—The term “Heritage
 11 Area” means the Niagara Falls National Heritage
 12 Area established by section 4(a).

13 (4) LOCAL COORDINATING ENTITY.—The term
 14 “local coordinating entity” means the local coordi-
 15 nating entity for the Heritage Area designated by
 16 section 4(d)(1).

17 (5) MANAGEMENT PLAN.—The term “manage-
 18 ment plan” means the management plan for the
 19 Heritage Area developed under section 6.

20 (6) MAP.—The term “map” means the map en-
 21 titled “Niagara Falls National Heritage Area”,
 22 numbered P76/80,000, and dated July 2006.

23 (7) SECRETARY.—The term “Secretary” means
 24 the Secretary of the Interior.

1 (8) STATE.—The term “State” means the State
2 of New York.

3 **SEC. 4. NIAGARA FALLS NATIONAL HERITAGE AREA.**

4 (a) ESTABLISHMENT.—There is established in the
5 State the Niagara Falls National Heritage Area.

6 (b) BOUNDARIES.—The National Heritage Area shall
7 consist of—

8 (1) the area from the western boundary of the
9 town of Wheatfield, New York, extending to the
10 mouth of the Niagara River on Lake Ontario, as de-
11 picted on the map, including—

12 (A) the city of Niagara Falls, New York;

13 (B) the villages of Youngstown and Lewis-
14 ton, New York; and

15 (C) land and water within the boundaries
16 of the Heritage Area in Niagara County, New
17 York; and

18 (2) any additional thematically related sites
19 within Erie and Niagara Counties, New York, that
20 are identified in the management plan under section
21 6(b)(6).

22 (c) AVAILABILITY OF MAP.—The map shall be on file
23 and available for public inspection in the appropriate of-
24 fices of the National Park Service.

25 (d) LOCAL COORDINATING ENTITY.—

1 (1) DESIGNATION.—The local coordinating enti-
2 ty for the Heritage Area shall be—

3 (A) for the 5-year period beginning on the
4 date of enactment of this Act, the Commission;
5 and

6 (B) on expiration of the 5-year period de-
7 scribed in subparagraph (A), a private non-
8 profit or governmental organization designated
9 by the Commission.

10 (2) AUTHORITIES.—For purposes of imple-
11 menting the management plan, the local coordi-
12 nating entity designated under paragraph (1)(B)
13 may use funds made available under this Act to—

14 (A) make grants to, and enter into cooper-
15 ative agreements with, the State (including a
16 political subdivision of the State), nonprofit or-
17 ganizations, or any person;

18 (B) hire and compensate staff; and

19 (C) enter into contracts for goods and
20 services.

21 (3) DUTIES.—Beginning on the date described
22 in paragraph (1)(B), the local coordinating entity
23 designated by the Commission under paragraph
24 (1)(B) shall assume the duties of the Commission

1 described in section 5(h), other than the duties de-
 2 scribed in paragraphs (1) and (8) of section 5(h).

3 **SEC. 5. NIAGARA FALLS NATIONAL HERITAGE AREA COM-**
 4 **MISSION.**

5 (a) ESTABLISHMENT.—There is established within
 6 the Department of the Interior the Niagara Falls National
 7 Heritage Area Commission.

8 (b) MEMBERSHIP.—The Commission shall be com-
 9 posed of 17 members, of whom—

10 (1) 1 member shall be the Director of the Na-
 11 tional Park Service (or a designee);

12 (2) 5 members shall be appointed by the Sec-
 13 retary, on the recommendation of the Governor,
 14 from among individuals with knowledge and experi-
 15 ence of—

16 (A) the New York State Office of Parks,
 17 Recreation and Historic Preservation, the Niag-
 18 ara River Greenway Commission, the New York
 19 Power Authority, the USA Niagara Develop-
 20 ment Corporation, and the Niagara Tourism
 21 and Convention Corporation; or

22 (B) any successors of the agencies de-
 23 scribed in subparagraph (A);

1 ~~(3)~~ 1 member shall be appointed by the Sec-
2 retary, on the recommendation of the mayor of Ni-
3 agara Falls, New York;

4 ~~(4)~~ 1 member shall be appointed by the Sec-
5 retary, on the recommendation of the mayor of the
6 village of Youngstown, New York;

7 ~~(5)~~ 1 member shall be appointed by the Sec-
8 retary, on the recommendation of the mayor of the
9 village of Lewiston, New York;

10 ~~(6)~~ 1 member shall be appointed by the Sec-
11 retary, on the recommendation of the Tuscarora Na-
12 tion;

13 ~~(7)~~ 1 member shall be appointed by the Sec-
14 retary, on the recommendation of the Seneca Nation
15 of Indians; and

16 ~~(8)~~ 6 members shall be individuals that have an
17 interest in, support for, and expertise appropriate to
18 tourism, regional planning, history and historic pres-
19 ervation, cultural or natural resource management,
20 conservation, recreation, and education, or museum
21 services, of whom—

22 ~~(A)~~ 4 members shall be appointed by the
23 Secretary, on the recommendation of the 2
24 members of the Senate from the State; and

1 ~~(B)~~ 2 members shall be appointed by the
 2 Secretary, on the recommendation of the mem-
 3 ber of the House of Representatives whose dis-
 4 trict encompasses the Heritage Area.

5 ~~(c)~~ TERMS; VACANCIES.—

6 ~~(1)~~ TERM.—A member of the Commission shall
 7 be appointed for a term not to exceed 5 years.

8 ~~(2)~~ VACANCIES.—

9 ~~(A)~~ PARTIAL TERM.—A member appointed
 10 to fill a vacancy on the Commission shall serve
 11 for the remainder of the term for which the
 12 predecessor of the member was appointed.

13 ~~(B)~~ IN GENERAL.—A vacancy on the Com-
 14 mission shall be filled in the same manner as
 15 the original appointment was made.

16 ~~(d)~~ CHAIRPERSON AND VICE CHAIRPERSON.—

17 ~~(1)~~ SELECTION.—The Commission shall select
 18 a Chairperson and Vice Chairperson from among the
 19 members of the Commission.

20 ~~(2)~~ VICE CHAIRPERSON.—The Vice Chairperson
 21 shall serve as the Chairperson in the absence of the
 22 Chairperson.

23 ~~(e)~~ QUORUM.—

24 ~~(1)~~ IN GENERAL.—A majority of the members
 25 of the Commission shall constitute a quorum.

1 ~~(2) TRANSACTION.~~—For the transaction of any
 2 business or the exercise of any power of the Com-
 3 mission, the Commission shall have the power to act
 4 by a majority vote of the members present at any
 5 meeting at which a quorum is in attendance.

6 ~~(f) MEETINGS.~~—

7 ~~(1) IN GENERAL.~~—The Commission shall meet
 8 at least quarterly at the call of—

9 ~~(A) the Chairperson; or~~

10 ~~(B) a majority of the members of the Com-~~
 11 mission.

12 ~~(2) NOTICE.~~—Notice of Commission meetings
 13 and agendas for the meetings shall be published in
 14 local newspapers that are distributed throughout the
 15 Heritage Area.

16 ~~(3) APPLICABLE LAW.~~—Meetings of the Com-
 17 mission shall be subject to section 552b of title 5,
 18 United States Code.

19 ~~(g) POWERS OF THE COMMISSION.~~—To the extent
 20 that Federal funds are appropriated, the Commission
 21 may—

22 ~~(1) enter into contracts and execute any instru-~~
 23 ments necessary or appropriate to carry out the pur-
 24 poses for which the Commission is established, in-
 25 cluding the authority to procure temporary and

1 intermittent services and administrative facilities at
2 rates determined to be reasonable by the Commis-
3 sion to carry out the duties of the Commission;

4 (2) appoint and fix the compensation of any
5 staff that may be necessary to carry out the duties
6 of the Commission;

7 (3) request and accept from the head of any
8 Federal agency, on a reimbursable or nonreimburs-
9 able basis, any personnel of the Federal agency to
10 the Commission to assist in carrying out the duties
11 of the Commission;

12 (4) request and accept from the head of any
13 State agency or any agency of a political subdivision
14 of the State, on a reimbursable or nonreimbursable
15 basis, any personnel of the agency to the Commis-
16 sion to assist in carrying out the duties of the Com-
17 mission;

18 (5) make grants to assist in the development
19 and implementation of the management plan;

20 (6) negotiate and enter into any cooperative
21 agreement, lease, contract, or other arrangement
22 with any person, firm, association, organization, cor-
23 poration, or governmental entity, including Federal,
24 State, tribal, and local government entities, that is

1 necessary to carry out the activities of the Commis-
2 sion;

3 ~~(7) seek, accept, and dispose of gifts, bequests,~~
4 ~~grants, or donations of money, personal property, or~~
5 ~~services;~~

6 ~~(8) assist in—~~

7 ~~(A) developing educational, informational,~~
8 ~~and interpretive programs and facilities; and~~

9 ~~(B) any other activities that may promote~~
10 ~~the implementation of the management plan;~~

11 ~~(9) use the United States mails in the same~~
12 ~~manner as other agencies of the Federal Govern-~~
13 ~~ment;~~

14 ~~(10) establish any advisory groups that the~~
15 ~~Commission determines to be necessary; and~~

16 ~~(11) adopt, amend, and enforce bylaws and~~
17 ~~rules governing the manner in which—~~

18 ~~(A) the business of the Commission may be~~
19 ~~conducted; and~~

20 ~~(B) the powers vested in the Commission~~
21 ~~may be exercised.~~

22 ~~(h) DUTIES OF THE COMMISSION.—To further the~~
23 ~~purposes of the Heritage Area, the Commission shall—~~

1 (1) in accordance with section 6, develop and
2 submit to the Secretary for approval a management
3 plan;

4 (2) assist units of local government, regional
5 planning organizations, and nonprofit organizations
6 in implementing the management plan by—

7 (A) carrying out programs and projects
8 that recognize, protect, and enhance important
9 resource values within the Heritage Area;

10 (B) establishing and maintaining interpre-
11 tive exhibits and programs within the Heritage
12 Area;

13 (C) developing recreational and educational
14 opportunities in the Heritage Area;

15 (D) increasing public awareness of, and
16 appreciation for, natural, historic, scenic, and
17 cultural resources of the Heritage Area;

18 (E) protecting and restoring historic sites
19 and buildings in the Heritage Area that are
20 consistent with the themes of the Heritage
21 Area;

22 (F) ensuring that clear, consistent, and ap-
23 propriate signs identifying points of public ac-
24 cess and sites of interest are posted throughout
25 the Heritage Area; and

1 (G) promoting a wide range of partner-
2 ships among governments, organizations, and
3 individuals to further the purposes of the Herit-
4 age Area;

5 (3) consider the interests of diverse units of
6 government, businesses, organizations, and individ-
7 uals in the Heritage Area in the development and
8 implementation of the management plan;

9 (4) conduct meetings open to the public regard-
10 ing the development and implementation of the man-
11 agement plan;

12 (5) coordinate projects, activities, and programs
13 with the Erie Canalway National Heritage Corridor;

14 (6) for any fiscal year for which Federal funds
15 have been received by the Commission under this
16 Act—

17 (A) submit an annual report to the Sec-
18 retary that describes—

19 (i) the specific performance goals and
20 accomplishments of the local coordinating
21 entity;

22 (ii) the expenses and income of the
23 local coordinating entity;

24 (iii) the amounts and sources of
25 matching funds;

1 (iv) the amounts leveraged with Fed-
 2 eral funds and the sources of the
 3 leveraging; and

4 (v) any grants made to any other enti-
 5 ties during the fiscal year;

6 (B) make available to the Secretary for
 7 audit any records containing information relat-
 8 ing to the expenditure of Federal funds and any
 9 matching funds; and

10 (C) require, with respect to all agreements
 11 authorizing the expenditure of Federal funds by
 12 other organizations, that the organization re-
 13 ceiving the funds make available to the Sec-
 14 retary for audit all records and other informa-
 15 tion concerning the expenditure of the funds;

16 (7) encourage, by appropriate means and con-
 17 sistent with the purposes of the Heritage Area, the
 18 economic viability of the Heritage Area; and

19 (8) assist in the transition of the management
 20 of the Heritage Area from the Commission to the
 21 local coordinating entity designated under section
 22 4(d)(1)(B).

23 (i) COMPENSATION OF MEMBERS.—

24 (1) IN GENERAL.—A member of the Commis-
 25 sion shall serve without compensation.

1 (2) TRAVEL EXPENSES.—A member of the
 2 Commission shall be allowed travel expenses, includ-
 3 ing per diem in lieu of subsistence, at rates author-
 4 ized for an employee of an agency under subchapter
 5 I of chapter 57 of title 5, United States Code, while
 6 away from the home or regular place of business of
 7 the member in the performance of the duties of the
 8 Commission.

9 (j) GIFTS.—For purposes of section 170(e) of the In-
 10 ternal Revenue Code of 1986, any gift or charitable con-
 11 tribution to the Commission shall be considered to be a
 12 charitable contribution or gift to the United States.

13 (k) USE OF FEDERAL FUNDS.—Except as provided
 14 for the leasing of administrative facilities under subsection
 15 (g)(1), the Commission may not use Federal funds made
 16 available to the Commission under this Act to acquire any
 17 real property or interest in real property.

18 **SEC. 6. MANAGEMENT PLAN.**

19 (a) IN GENERAL.—Not later than 3 years after the
 20 date on which funds are first made available to carry out
 21 this Act, the Commission shall submit to the Secretary
 22 for approval a management plan for the Heritage Area.

23 (b) REQUIREMENTS.—The management plan shall—

1 (1) include comprehensive policies, strategies,
2 and recommendations for conservation, funding,
3 managing, and developing the Heritage Area;

4 (2) take into consideration existing State, coun-
5 ty, and local plans;

6 (3) include a description of actions that govern-
7 ments, private organizations, and individuals have
8 agreed to take to protect the natural, historic, and
9 cultural resources of the Heritage Area;

10 (4) identify any existing and potential sources
11 of funding or economic development strategies to
12 protect, manage, and develop the Heritage Area;

13 (5) include an inventory of the natural, historic,
14 scenic, cultural, educational, and recreational re-
15 sources of the Heritage Area relating to the themes
16 of the Heritage Area that should be preserved, re-
17 stored, managed, developed, or maintained;

18 (6) establish criteria and identify thematically
19 related sites in Niagara and Erie Counties, New
20 York, that—

21 (A) may participate in the Heritage Area;

22 and

23 (B) shall be included in the boundary of
24 the Heritage Area;

1 (7) include recommended policies and strategies
2 for resource management that consider the applica-
3 tion of appropriate land and water management
4 techniques, including the development of intergov-
5 ernmental and interagency cooperative agreements
6 to protect the natural, historic, scenic, cultural, edu-
7 cational, and recreational resources of the Heritage
8 Area;

9 (8) describe a program of implementation for
10 the management plan, including a description of—

11 (A) performance goals;

12 (B) plans for resource protection, restora-
13 tion, interpretation, enhancement, management,
14 and development; and

15 (C) any specific commitments for imple-
16 mentation that have been made by the local co-
17 ordinating entity or any government, organiza-
18 tion, or individual;

19 (9) include an analysis of, and recommenda-
20 tions for ways in which, Federal, State, tribal, and
21 local programs would best be coordinated to further
22 the purposes of this Act, including an analysis of the
23 role of the National Park Service in the Heritage
24 Area;

1 ~~(10)~~ include an interpretive plan for the Herit-
 2 age Area;

3 ~~(11)~~ include a business plan that—

4 ~~(A)~~ describes the role, operation, financing,
 5 and functions of—

6 ~~(i)~~ the local coordinating entity; and

7 ~~(ii)~~ each of the major activities ad-
 8 dressed in the management plan; and

9 ~~(B)~~ provides adequate assurances that the
 10 local coordinating entity has the partnerships
 11 and financial and other resources necessary to
 12 implement the management plan; and

13 ~~(12)~~ includes provisions for—

14 ~~(A)~~ the designation under section
 15 ~~4(d)(1)(B)~~ of a nonprofit or governmental orga-
 16 nization as the local coordinating entity to ad-
 17 minister the Heritage Area consistent with the
 18 management plan; and

19 ~~(B)~~ the transition of the management of
 20 the Heritage Area from the Commission to the
 21 organization designated as the local coordi-
 22 nating entity at the end of the 5-year period
 23 specified in section ~~4(d)(1)(A)~~.

24 ~~(c) TERMINATION OF FUNDING.—~~If the Commission
 25 does not submit the management plan to the Secretary

1 by the date that is 3 years after the date on which funds
 2 are first made available to carry out this Act, the local
 3 coordinating entity shall be ineligible to receive additional
 4 funding under this Act until the date on which the man-
 5 agement plan is submitted to and approved by the Sec-
 6 retary.

7 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
 8 PLAN.—

9 (1) IN GENERAL.—Not later than 180 days
 10 after the date of receipt of the management plan
 11 under subsection (a), the Secretary shall approve or
 12 disapprove the management plan.

13 (2) CONSIDERATIONS.—In determining whether
 14 to approve or disapprove the management plan
 15 under paragraph (1), the Secretary shall consider
 16 whether—

17 (A) the organization proposed to succeed
 18 the Commission as the local coordinating entity
 19 would be representative of the diverse interests
 20 of the Heritage Area, including governments,
 21 natural and historic resource protection organi-
 22 zations, educational institutions, businesses,
 23 and recreational organizations;

24 (B) the local coordinating entity has af-
 25 forded adequate opportunity for public and gov-

1 ernmental involvement, including public meet-
2 ings, in the preparation of the management
3 plan;

4 (C) the resource protection and interpreta-
5 tion strategies contained in the management
6 plan, if implemented, would adequately protect
7 the natural, historic, and cultural resources of
8 the Heritage Area;

9 (D) the Secretary has received adequate
10 assurances from the appropriate State, tribal,
11 and local officials whose support is needed to
12 ensure the effective implementation of the
13 State, tribal, and local aspects of the manage-
14 ment plan; and

15 (E) the local coordinating entity has dem-
16 onstrated the financial capability, in partner-
17 ship with others, to carry out the plan.

18 (3) ACTION FOLLOWING DISAPPROVAL.—If the
19 Secretary disapproves the management plan under
20 paragraph (1), the Secretary shall—

21 (A) advise the local coordinating entity in
22 writing of the reasons for the disapproval;

23 (B) make recommendations for revisions to
24 the management plan; and

1 (C) not later than 180 days after the re-
 2 ceipt of any proposed revision of the manage-
 3 ment plan; approve or disapprove the proposed
 4 revision.

5 (e) AMENDMENTS.—

6 (1) IN GENERAL.—The Secretary shall review
 7 and approve any substantial amendments to the
 8 management plan in accordance with subsection (d).

9 (2) USE OF FUNDS.—Funds made available
 10 under this Act shall not be expended by the local co-
 11 ordinating entity to implement any changes made by
 12 an amendment described in paragraph (1) until the
 13 Secretary approves the amendment.

14 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

15 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (1) IN GENERAL.—On request of the local co-
 17 ordinating entity, the Secretary may provide tech-
 18 nical and financial assistance, on a reimbursable or
 19 nonreimbursable basis, to the Heritage Area for the
 20 development and implementation of the management
 21 plan.

22 (2) COOPERATIVE AGREEMENTS.—The Sec-
 23 retary may enter into cooperative agreements with
 24 the local coordinating entity and other public or pri-

1 vate entities to provide assistance under paragraph
2 (1).

3 ~~(3) PRIORITY FOR ASSISTANCE.~~—In providing
4 assistance under paragraph (1), the Secretary shall
5 give priority to actions that assist in—

6 ~~(A) conserving the significant natural, his-~~
7 ~~toric, scenic, and cultural resources of the Her-~~
8 ~~itage Area; and~~

9 ~~(B) providing educational, interpretive, and~~
10 ~~recreational opportunities, consistent with the~~
11 ~~purposes of the Heritage Area.~~

12 ~~(b) DETAIL OF DEPARTMENT OF THE INTERIOR EM-~~
13 ~~PLOYEES.—~~

14 ~~(1) IN GENERAL.~~—On request of the Commis-
15 sion, the Secretary may detail to the Commission for
16 each fiscal year in which the Commission is in exist-
17 ence, on a nonreimbursable basis, 2 employees of the
18 Department of the Interior to enable the Commis-
19 sion to carry out the duties of the Commission.

20 ~~(2) CIVIL SERVICE STATUS.~~—The detail of an
21 employee under paragraph (1) shall be without inter-
22 ruption or loss of civil service status or privilege.

23 ~~(c) REPORT.~~—Not later than the date that is 3 years
24 before the date on which the authority of the Secretary
25 terminates under section 11, the Secretary shall submit

1 to the Committee on Resources of the House of Represent-
 2 atives and the Committee on Energy and Natural Re-
 3 sources of the Senate a report that includes—

4 (1) an evaluation of the accomplishments and
 5 sustainability of the Heritage Area; and

6 (2) any recommendations of the Secretary with
 7 respect to the future management of the Heritage
 8 Area.

9 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

10 (a) **IN GENERAL.**—This Act shall not affect the au-
 11 thority of any Federal official to provide technical or fi-
 12 nancial assistance under any other law.

13 (b) **CONSULTATION AND COORDINATION.**—The head
 14 of any Federal agency planning to conduct an activity that
 15 may have an impact on the Heritage Area shall, to the
 16 maximum extent practicable—

17 (1) consult with the Secretary and the local co-
 18 ordinating entity regarding the activity; and

19 (2) coordinate the activity with the Secretary
 20 and the local coordinating entity.

21 (c) **EFFECT ON OTHER FEDERAL AGENCIES.**—Noth-
 22 ing in this Act—

23 (1) modifies, alters, or amends any law (includ-
 24 ing a regulation) authorizing a Federal agency to

1 manage Federal land under the jurisdiction of the
 2 Federal agency;

3 ~~(2) limits the discretion of a Federal land man-~~
 4 ~~ager to implement an approved land use plan within~~
 5 ~~the boundaries of the Heritage Area; or~~

6 ~~(3) modifies, alters, or amends any authorized~~
 7 ~~use of Federal land under the jurisdiction of a Fed-~~
 8 ~~eral agency.~~

9 **SEC. 9. PROTECTIONS FOR PROPERTY OWNERS.**

10 Nothing in this Act—

11 ~~(1) abridges the rights of any owner of public~~
 12 ~~or private property, including the right to refrain~~
 13 ~~from participating in any plan, project, program, or~~
 14 ~~activity conducted within the Heritage Area;~~

15 ~~(2) requires any property owner to permit pub-~~
 16 ~~lic access (including access by Federal, tribal, State,~~
 17 ~~or local government agencies) to the property;~~

18 ~~(3) modifies any provision of Federal, tribal,~~
 19 ~~State, or local law with regard to public access to,~~
 20 ~~or use of, private land;~~

21 ~~(4) alters any land use regulation, approved~~
 22 ~~land use plan, or other regulatory authority of any~~
 23 ~~Federal, tribal, State, or local agency;~~

24 ~~(5) provides any land use or other regulatory~~
 25 ~~authority to any local coordinating entity;~~

1 (6) authorizes the reservation or appropriation
2 of water or water rights;

3 (7) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the Heritage Area; or

6 (8) creates any liability, or affects any liability
7 under any other law, of any private property owner
8 with respect to any persons injured on the private
9 property.

10 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated to carry out this Act \$10,000,000, of which not
13 more than \$1,000,000 may be appropriated for any fiscal
14 year.

15 (b) COST-SHARING REQUIREMENT.—The Federal
16 share of the cost of any activity carried out using any as-
17 sistance made available under this Act shall be not more
18 than 50 percent.

19 **SEC. 11. TERMINATION OF AUTHORITY.**

20 The authority of the Secretary to provide financial
21 assistance under this Act terminates on the date that is
22 15 years after the date of enactment of this Act.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Niagara Falls National*
25 *Heritage Area Act”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *COMMISSION.*—*The term “Commission”*
4 *means the Niagara Falls National Heritage Area*
5 *Commission established by section 4(a).*

6 (2) *GOVERNOR.*—*The term “Governor” means*
7 *the Governor of the State.*

8 (3) *HERITAGE AREA.*—*The term “Heritage*
9 *Area” means the Niagara Falls National Heritage*
10 *Area established by section 3(a).*

11 (4) *LOCAL COORDINATING ENTITY.*—*The term*
12 *“local coordinating entity” means the local coordi-*
13 *nating entity for the Heritage Area designated by sec-*
14 *tion 3(d)(1).*

15 (5) *MANAGEMENT PLAN.*—*The term “manage-*
16 *ment plan” means the management plan for the Her-*
17 *itage Area developed under section 5.*

18 (6) *MAP.*—*The term “map” means the map enti-*
19 *tled “Niagara Falls National Heritage Area”, num-*
20 *bered P76/80,000, and dated July 2006.*

21 (7) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary of the Interior.*

23 (8) *STATE.*—*The term “State” means the State*
24 *of New York.*

1 **SEC. 3. NIAGARA FALLS NATIONAL HERITAGE AREA.**

2 (a) *ESTABLISHMENT.*—*There is established in the*
 3 *State the Niagara Falls National Heritage Area.*

4 (b) *BOUNDARIES.*—*The National Heritage Area shall*
 5 *consist of—*

6 (1) *the area from the western boundary of the*
 7 *town of Wheatfield, New York, extending to the mouth*
 8 *of the Niagara River on Lake Ontario, as depicted on*
 9 *the map, including—*

10 (A) *the city of Niagara Falls, New York;*

11 (B) *the villages of Youngstown and Lewis-*
 12 *ton, New York; and*

13 (C) *land and water within the boundaries*
 14 *of the Heritage Area in Niagara County, New*
 15 *York; and*

16 (2) *any additional thematically related sites*
 17 *within Erie and Niagara Counties, New York, that*
 18 *are identified in the management plan under section*
 19 *5(b)(6).*

20 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
 21 *and available for public inspection in the appropriate of-*
 22 *fices of the National Park Service.*

23 (d) *LOCAL COORDINATING ENTITY.*—

24 (1) *DESIGNATION.*—*The local coordinating enti-*
 25 *ty for the Heritage Area shall be—*

1 (A) for the 5-year period beginning on the
 2 date of enactment of this Act, the Commission;
 3 and

4 (B) on expiration of the 5-year period de-
 5 scribed in subparagraph (A), a private nonprofit
 6 or governmental organization designated by the
 7 Commission.

8 (2) *AUTHORITIES.*—For purposes of imple-
 9 menting the management plan, the local coordinating
 10 entity designated under paragraph (1)(B) may use
 11 funds made available under this Act to—

12 (A) make grants to, and enter into coopera-
 13 tive agreements with, the State (including a po-
 14 litical subdivision of the State), nonprofit orga-
 15 nizations, or any person;

16 (B) hire and compensate staff; and

17 (C) enter into contracts for goods and serv-
 18 ices.

19 (3) *DUTIES.*—Beginning on the date described in
 20 paragraph (1)(B), the local coordinating entity des-
 21 ignated by the Commission under paragraph (1)(B)
 22 shall assume the duties of the Commission described
 23 in section 4(h), other than the duties described in
 24 paragraphs (1) and (8) of section 4(h).

1 **SEC. 4. NIAGARA FALLS NATIONAL HERITAGE AREA COM-**
 2 **MISSION.**

3 (a) *ESTABLISHMENT.*—*There is established within the*
 4 *Department of the Interior the Niagara Falls National Her-*
 5 *itage Area Commission.*

6 (b) *MEMBERSHIP.*—*The Commission shall be com-*
 7 *posed of 17 members, of whom—*

8 (1) *1 member shall be the Director of the Na-*
 9 *tional Park Service (or a designee);*

10 (2) *5 members shall be appointed by the Sec-*
 11 *retary, after considering the recommendation of the*
 12 *Governor, from among individuals with knowledge*
 13 *and experience of—*

14 (A) *the New York State Office of Parks,*
 15 *Recreation and Historic Preservation, the Niag-*
 16 *ara River Greenway Commission, the New York*
 17 *Power Authority, the USA Niagara Development*
 18 *Corporation, and the Niagara Tourism and Con-*
 19 *vention Corporation; or*

20 (B) *any successors of the agencies described*
 21 *in subparagraph (A);*

22 (3) *1 member shall be appointed by the Sec-*
 23 *retary, after considering the recommendation of the*
 24 *mayor of Niagara Falls, New York;*

1 (4) 1 member shall be appointed by the Sec-
2 retary, after considering the recommendation of the
3 mayor of the village of Youngstown, New York;

4 (5) 1 member shall be appointed by the Sec-
5 retary, after considering the recommendation of the
6 mayor of the village of Lewiston, New York;

7 (6) 1 member shall be appointed by the Sec-
8 retary, after considering the recommendation of the
9 Tuscarora Nation;

10 (7) 1 member shall be appointed by the Sec-
11 retary, after considering the recommendation of the
12 Seneca Nation of Indians; and

13 (8) 6 members shall be individuals that have an
14 interest in, support for, and expertise appropriate to
15 tourism, regional planning, history and historic pres-
16 ervation, cultural or natural resource management,
17 conservation, recreation, and education, or museum
18 services, of whom—

19 (A) 4 members shall be appointed by the
20 Secretary, after considering the recommendation
21 of the 2 members of the Senate from the State;
22 and

23 (B) 2 members shall be appointed by the
24 Secretary, after considering the recommendation

1 *of the member of the House of Representatives*
 2 *whose district encompasses the Heritage Area.*

3 (c) *TERMS; VACANCIES.*—

4 (1) *TERM.*—*A member of the Commission shall*
 5 *be appointed for a term not to exceed 5 years.*

6 (2) *VACANCIES.*—

7 (A) *PARTIAL TERM.*—*A member appointed*
 8 *to fill a vacancy on the Commission shall serve*
 9 *for the remainder of the term for which the pred-*
 10 *ecessor of the member was appointed.*

11 (B) *IN GENERAL.*—*A vacancy on the Com-*
 12 *mission shall be filled in the same manner as the*
 13 *original appointment was made.*

14 (d) *CHAIRPERSON AND VICE CHAIRPERSON.*—

15 (1) *SELECTION.*—*The Commission shall select a*
 16 *Chairperson and Vice Chairperson from among the*
 17 *members of the Commission.*

18 (2) *VICE CHAIRPERSON.*—*The Vice Chairperson*
 19 *shall serve as the Chairperson in the absence of the*
 20 *Chairperson.*

21 (e) *QUORUM.*—

22 (1) *IN GENERAL.*—*A majority of the members of*
 23 *the Commission shall constitute a quorum.*

24 (2) *TRANSACTION.*—*For the transaction of any*
 25 *business or the exercise of any power of the Commis-*

1 *sion, the Commission shall have the power to act by*
 2 *a majority vote of the members present at any meet-*
 3 *ing at which a quorum is in attendance.*

4 *(f) MEETINGS.—*

5 *(1) IN GENERAL.—The Commission shall meet at*
 6 *least quarterly at the call of—*

7 *(A) the Chairperson; or*

8 *(B) a majority of the members of the Com-*
 9 *mission.*

10 *(2) NOTICE.—Notice of Commission meetings*
 11 *and agendas for the meetings shall be published in*
 12 *local newspapers that are distributed throughout the*
 13 *Heritage Area.*

14 *(3) APPLICABLE LAW.—Meetings of the Commis-*
 15 *sion shall be subject to section 552b of title 5, United*
 16 *States Code.*

17 *(g) POWERS OF THE COMMISSION.—To the extent that*
 18 *Federal funds are appropriated, the Commission may—*

19 *(1) enter into contracts and execute any instru-*
 20 *ments necessary or appropriate to carry out the pur-*
 21 *poses for which the Commission is established, includ-*
 22 *ing the authority to procure temporary and intermit-*
 23 *tent services and administrative facilities at rates de-*
 24 *termined to be reasonable by the Commission to carry*
 25 *out the duties of the Commission;*

1 (2) *appoint and fix the compensation of any*
2 *staff that may be necessary to carry out the duties of*
3 *the Commission;*

4 (3) *request and accept from the head of any Fed-*
5 *eral agency, on a reimbursable or nonreimbursable*
6 *basis, any personnel of the Federal agency to the*
7 *Commission to assist in carrying out the duties of the*
8 *Commission;*

9 (4) *request and accept from the head of any*
10 *State agency or any agency of a political subdivision*
11 *of the State, on a reimbursable or nonreimbursable*
12 *basis, any personnel of the agency to the Commission*
13 *to assist in carrying out the duties of the Commis-*
14 *sion;*

15 (5) *make grants to assist in the development and*
16 *implementation of the management plan;*

17 (6) *negotiate and enter into any cooperative*
18 *agreement, lease, contract, or other arrangement with*
19 *any person, firm, association, organization, corpora-*
20 *tion, or governmental entity, including Federal,*
21 *State, tribal, and local government entities, that is*
22 *necessary to carry out the activities of the Commis-*
23 *sion;*

1 (7) *seek, accept, and dispose of gifts, bequests,*
 2 *grants, or donations of money, personal property, or*
 3 *services;*

4 (8) *assist in—*

5 (A) *developing educational, informational,*
 6 *and interpretive programs and facilities; and*

7 (B) *any other activities that may promote*
 8 *the implementation of the management plan;*

9 (9) *use the United States mails in the same*
 10 *manner as other agencies of the Federal Government;*

11 (10) *establish any advisory groups that the Com-*
 12 *mission determines to be necessary; and*

13 (11) *adopt, amend, and enforce bylaws and rules*
 14 *governing the manner in which—*

15 (A) *the business of the Commission may be*
 16 *conducted; and*

17 (B) *the powers vested in the Commission*
 18 *may be exercised.*

19 (h) *DUTIES OF THE COMMISSION.—To further the pur-*
 20 *poses of the Heritage Area, the Commission shall—*

21 (1) *in accordance with section 5, develop and*
 22 *submit to the Secretary for approval a management*
 23 *plan;*

1 (2) *assist units of local government, regional*
2 *planning organizations, and nonprofit organizations*
3 *in implementing the management plan by—*

4 (A) *carrying out programs and projects*
5 *that recognize, protect, and enhance important*
6 *resource values within the Heritage Area;*

7 (B) *establishing and maintaining interpre-*
8 *tive exhibits and programs within the Heritage*
9 *Area;*

10 (C) *developing recreational and educational*
11 *opportunities in the Heritage Area;*

12 (D) *increasing public awareness of, and ap-*
13 *preciation for, natural, historic, scenic, and cul-*
14 *tural resources of the Heritage Area;*

15 (E) *protecting and restoring historic sites*
16 *and buildings in the Heritage Area that are con-*
17 *sistent with the themes of the Heritage Area;*

18 (F) *ensuring that clear, consistent, and ap-*
19 *propriate signs identifying points of public ac-*
20 *cess and sites of interest are posted throughout*
21 *the Heritage Area; and*

22 (G) *promoting a wide range of partnerships*
23 *among governments, organizations, and individ-*
24 *uals to further the purposes of the Heritage Area;*

1 (3) consider the interests of diverse units of gov-
2 ernment, businesses, organizations, and individuals
3 in the Heritage Area in the development and imple-
4 mentation of the management plan;

5 (4) conduct meetings open to the public regard-
6 ing the development and implementation of the man-
7 agement plan;

8 (5) coordinate projects, activities, and programs
9 with the Erie Canalway National Heritage Corridor;

10 (6) for any fiscal year for which Federal funds
11 have been received by the Commission under this
12 Act—

13 (A) submit an annual report to the Sec-
14 retary that describes—

15 (i) the specific performance goals and
16 accomplishments of the local coordinating
17 entity;

18 (ii) the expenses and income of the
19 local coordinating entity;

20 (iii) the amounts and sources of
21 matching funds;

22 (iv) the amounts leveraged with Fed-
23 eral funds and the sources of the leveraging;
24 and

1 (v) any grants made to any other enti-
2 ties during the fiscal year;

3 (B) make available to the Secretary for
4 audit any records containing information relat-
5 ing to the expenditure of Federal funds and any
6 matching funds; and

7 (C) require, with respect to all agreements
8 authorizing the expenditure of Federal funds by
9 other organizations, that the organization receiv-
10 ing the funds make available to the Secretary for
11 audit all records and other information con-
12 cerning the expenditure of the funds;

13 (7) encourage, by appropriate means and con-
14 sistent with the purposes of the Heritage Area, the
15 economic viability of the Heritage Area; and

16 (8) assist in the transition of the management of
17 the Heritage Area from the Commission to the local
18 coordinating entity designated under section
19 3(d)(1)(B).

20 (i) COMPENSATION OF MEMBERS.—

21 (1) IN GENERAL.—A member of the Commission
22 shall serve without compensation.

23 (2) TRAVEL EXPENSES.—A member of the Com-
24 mission shall be allowed travel expenses, including
25 per diem in lieu of subsistence, at rates authorized for

1 *an employee of an agency under subchapter I of chap-*
 2 *ter 57 of title 5, United States Code, while away from*
 3 *the home or regular place of business of the member*
 4 *in the performance of the duties of the Commission.*

5 (j) *GIFTS.*—*For purposes of section 170(c) of the Inter-*
 6 *nal Revenue Code of 1986, any gift or charitable contribu-*
 7 *tion to the Commission shall be considered to be a charitable*
 8 *contribution or gift to the United States.*

9 (k) *USE OF FEDERAL FUNDS.*—*Except as provided for*
 10 *the leasing of administrative facilities under subsection*
 11 *(g)(1), the Commission may not use Federal funds made*
 12 *available to the Commission under this Act to acquire any*
 13 *real property or interest in real property.*

14 **SEC. 5. MANAGEMENT PLAN.**

15 (a) *IN GENERAL.*—*Not later than 3 years after the*
 16 *date on which funds are first made available to carry out*
 17 *this Act, the Commission shall submit to the Secretary for*
 18 *approval a management plan for the Heritage Area.*

19 (b) *REQUIREMENTS.*—*The management plan shall—*

20 (1) *include comprehensive policies, strategies,*
 21 *and recommendations for conservation, funding, man-*
 22 *aging, and developing the Heritage Area;*

23 (2) *take into consideration existing State, coun-*
 24 *ty, and local plans;*

1 (3) include a description of actions that govern-
 2 ments, private organizations, and individuals have
 3 agreed to take to protect the natural, historic, and
 4 cultural resources of the Heritage Area;

5 (4) identify any existing and potential sources of
 6 funding or economic development strategies to protect,
 7 manage, and develop the Heritage Area;

8 (5) include an inventory of the natural, historic,
 9 scenic, cultural, educational, and recreational re-
 10 sources of the Heritage Area relating to the themes of
 11 the Heritage Area that should be preserved, restored,
 12 managed, developed, or maintained;

13 (6) establish criteria and identify thematically
 14 related sites in Niagara and Erie Counties, New
 15 York, that—

16 (A) may participate in the Heritage Area;

17 and

18 (B) shall be included in the boundary of the
 19 Heritage Area;

20 (7) include recommended policies and strategies
 21 for resource management that consider the applica-
 22 tion of appropriate land and water management tech-
 23 niques, including the development of intergovern-
 24 mental and interagency cooperative agreements to
 25 protect the natural, historic, scenic, cultural, edu-

1 *cational, and recreational resources of the Heritage*
 2 *Area;*

3 *(8) describe a program of implementation for the*
 4 *management plan, including a description of—*

5 *(A) performance goals;*

6 *(B) plans for resource protection, restora-*
 7 *tion, interpretation, enhancement, management,*
 8 *and development; and*

9 *(C) any specific commitments for imple-*
 10 *mentation that have been made by the local co-*
 11 *ordinating entity or any government, organiza-*
 12 *tion, or individual;*

13 *(9) include an analysis of, and recommendations*
 14 *for ways in which, Federal, State, tribal, and local*
 15 *programs would best be coordinated to further the*
 16 *purposes of this Act, including an analysis of the role*
 17 *of the National Park Service in the Heritage Area;*

18 *(10) include an interpretive plan for the Herit-*
 19 *age Area;*

20 *(11) include a business plan that—*

21 *(A) describes the role, operation, financing,*
 22 *and functions of—*

23 *(i) the local coordinating entity; and*

24 *(ii) each of the major activities ad-*
 25 *dressed in the management plan; and*

1 (B) provides adequate assurances that the
 2 local coordinating entity has the partnerships
 3 and financial and other resources necessary to
 4 implement the management plan; and
 5 (12) includes provisions for—

6 (A) the designation under section 3(d)(1)(B)
 7 of a nonprofit or governmental organization as
 8 the local coordinating entity to administer the
 9 Heritage Area consistent with the management
 10 plan; and

11 (B) the transition of the management of the
 12 Heritage Area from the Commission to the orga-
 13 nization designated as the local coordinating en-
 14 tity at the end of the 5-year period specified in
 15 section 3(d)(1)(A).

16 (c) *TERMINATION OF FUNDING.*—If the Commission
 17 does not submit the management plan to the Secretary by
 18 the date that is 3 years after the date on which funds are
 19 first made available to carry out this Act, the local coordi-
 20 nating entity shall be ineligible to receive additional fund-
 21 ing under this Act until the date on which the management
 22 plan is submitted to and approved by the Secretary.

23 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
 24 *PLAN.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
 2 the date of receipt of the management plan under sub-
 3 section (a), the Secretary shall approve or disapprove
 4 the management plan.

5 (2) *CONSIDERATIONS.*—In determining whether
 6 to approve or disapprove the management plan under
 7 paragraph (1), the Secretary shall consider whether—

8 (A) the organization proposed to succeed the
 9 Commission as the local coordinating entity
 10 would be representative of the diverse interests of
 11 the Heritage Area, including governments, nat-
 12 ural and historic resource protection organiza-
 13 tions, educational institutions, businesses, and
 14 recreational organizations;

15 (B) the local coordinating entity has af-
 16 forded adequate opportunity for public and gov-
 17 ernmental involvement, including public meet-
 18 ings, in the preparation of the management
 19 plan;

20 (C) the resource protection and interpreta-
 21 tion strategies contained in the management
 22 plan, if implemented, would adequately protect
 23 the natural, historic, and cultural resources of
 24 the Heritage Area;

1 (D) the Secretary has received adequate as-
 2 surances from the appropriate State, tribal, and
 3 local officials whose support is needed to ensure
 4 the effective implementation of the State, tribal,
 5 and local aspects of the management plan; and

6 (E) the local coordinating entity has dem-
 7 onstrated the financial capability, in partner-
 8 ship with others, to carry out the plan.

9 (3) ACTION FOLLOWING DISAPPROVAL.—If the
 10 Secretary disapproves the management plan under
 11 paragraph (1), the Secretary shall—

12 (A) advise the local coordinating entity in
 13 writing of the reasons for the disapproval;

14 (B) make recommendations for revisions to
 15 the management plan; and

16 (C) not later than 180 days after the receipt
 17 of any proposed revision of the management
 18 plan, approve or disapprove the proposed revi-
 19 sion.

20 (e) AMENDMENTS.—

21 (1) IN GENERAL.—The Secretary shall review
 22 and approve any substantial amendments to the man-
 23 agement plan in accordance with subsection (d).

24 (2) USE OF FUNDS.—Funds made available
 25 under this Act shall not be expended by the local co-

1 *ordinating entity to implement any changes made by*
 2 *an amendment described in paragraph (1) until the*
 3 *Secretary approves the amendment.*

4 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

5 *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

6 *(1) IN GENERAL.—On request of the local coordi-*
 7 *nating entity, the Secretary may provide technical*
 8 *and financial assistance, on a reimbursable or non-*
 9 *reimbursable basis, to the Heritage Area for the devel-*
 10 *opment and implementation of the management plan.*

11 *(2) COOPERATIVE AGREEMENTS.—The Secretary*
 12 *may enter into cooperative agreements with the local*
 13 *coordinating entity and other public or private enti-*
 14 *ties to provide assistance under paragraph (1).*

15 *(3) PRIORITY FOR ASSISTANCE.—In providing*
 16 *assistance under paragraph (1), the Secretary shall*
 17 *give priority to actions that assist in—*

18 *(A) conserving the significant natural, his-*
 19 *toric, scenic, and cultural resources of the Herit-*
 20 *age Area; and*

21 *(B) providing educational, interpretive, and*
 22 *recreational opportunities, consistent with the*
 23 *purposes of the Heritage Area.*

24 *(b) DETAIL OF DEPARTMENT OF THE INTERIOR EM-*
 25 *PLOYEES.—*

1 (1) *IN GENERAL.*—On request of the Commis-
 2 sion, the Secretary may detail to the Commission for
 3 each fiscal year in which the Commission is in exist-
 4 ence, on a nonreimbursable basis, 2 employees of the
 5 Department of the Interior to enable the Commission
 6 to carry out the duties of the Commission.

7 (2) *CIVIL SERVICE STATUS.*—The detail of an
 8 employee under paragraph (1) shall be without inter-
 9 ruption or loss of civil service status or privilege.

10 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

11 (a) *IN GENERAL.*—Nothing in this Act affects the au-
 12 thority of a Federal agency to provide technical or financial
 13 assistance under any other law.

14 (b) *CONSULTATION AND COORDINATION.*—The head of
 15 any Federal agency planning to conduct activities that may
 16 have an impact on the Heritage Area is encouraged to con-
 17 sult and coordinate the activities with the Secretary and
 18 the local coordinating entity to the maximum extent prac-
 19 ticable.

20 (c) *OTHER FEDERAL AGENCIES.*—Nothing in this
 21 Act—

22 (1) *modifies, alters, or amends any law or regu-*
 23 *lation authorizing a Federal agency to manage Fed-*
 24 *eral land under the jurisdiction of the Federal agency;*

1 (2) *limits the discretion of a Federal land man-*
 2 *ager to implement an approved land use plan within*
 3 *the boundaries of the Heritage Area; or*

4 (3) *modifies, alters, or amends any authorized*
 5 *use of Federal land under the jurisdiction of a Fed-*
 6 *eral agency.*

7 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 8 **TIONS.**

9 *Nothing in this Act—*

10 (1) *abridges the rights of any property owner*
 11 *(whether public or private), including the right to re-*
 12 *frain from participating in any plan, project, pro-*
 13 *gram, or activity conducted within the Heritage Area;*

14 (2) *requires any property owner to permit public*
 15 *access (including access by Federal, State, or local*
 16 *agencies) to the property of the property owner, or to*
 17 *modify public access or use of property of the prop-*
 18 *erty owner under any other Federal, State, or local*
 19 *law;*

20 (3) *alters any duly adopted land use regulation,*
 21 *approved land use plan, or other regulatory authority*
 22 *of any Federal, State, or local agency, or conveys any*
 23 *land use or other regulatory authority to the local co-*
 24 *ordinating entity;*

1 (4) *authorizes or implies the reservation or ap-*
 2 *propriation of water or water rights;*

3 (5) *diminishes the authority of the State to man-*
 4 *age fish and wildlife, including the regulation of fish-*
 5 *ing and hunting within the Heritage Area; or*

6 (6) *creates any liability, or affects any liability*
 7 *under any other law, of any private property owner*
 8 *with respect to any person injured on the private*
 9 *property.*

10 **SEC. 9. EVALUATION; REPORT.**

11 (a) *IN GENERAL.*—*Not later than 3 years before the*
 12 *date on which authority for Federal funding terminates for*
 13 *the Heritage Area, the Secretary shall—*

14 (1) *conduct an evaluation of the accomplish-*
 15 *ments of the Heritage Area; and*

16 (2) *prepare a report in accordance with sub-*
 17 *section (c).*

18 (b) *EVALUATION.*—*An evaluation conducted under*
 19 *subsection (a)(1) shall—*

20 (1) *assess the progress of the local coordinating*
 21 *entity with respect to—*

22 (A) *accomplishing the purposes of this Act*
 23 *for the Heritage Area; and*

1 (B) achieving the goals and objectives of the
 2 approved management plan for the Heritage
 3 Area;

4 (2) analyze the Federal, State, local, and private
 5 investments in the Heritage Area to determine the le-
 6 verage and impact of the investments; and

7 (3) review the management structure, partner-
 8 ship relationships, and funding of the Heritage Area
 9 for purposes of identifying the critical components for
 10 sustainability of the Heritage Area.

11 (c) *REPORT.*—

12 (1) *IN GENERAL.*—Based on the evaluation con-
 13 ducted under subsection (a)(1), the Secretary shall
 14 prepare a report that includes recommendations for
 15 the future role of the National Park Service, if any,
 16 with respect to the Heritage Area.

17 (2) *REQUIRED ANALYSIS.*—If the report prepared
 18 under paragraph (1) recommends that Federal fund-
 19 ing for the Heritage Area be reauthorized, the report
 20 shall include an analysis of—

21 (A) ways in which Federal funding for the
 22 Heritage Area may be reduced or eliminated;
 23 and

1 (B) the appropriate time period necessary
 2 to achieve the recommended reduction or elimi-
 3 nation.

4 (3) *SUBMISSION TO CONGRESS.*—On completion
 5 of the report, the Secretary shall submit the report
 6 to—

7 (A) the Committee on Energy and Natural
 8 Resources of the Senate; and

9 (B) the Committee on Natural Resources of
 10 the House of Representatives.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) *IN GENERAL.*—There is authorized to be appro-
 13 priated to carry out this Act \$10,000,000, of which not more
 14 than \$1,000,000 may be appropriated for any fiscal year.

15 (b) *COST-SHARING REQUIREMENT.*—The Federal
 16 share of the cost of any activity carried out using any as-
 17 sistance made available under this Act shall be not more
 18 than 50 percent.

19 **SEC. 11. TERMINATION OF AUTHORITY.**

20 The authority of the Secretary to provide financial as-
 21 sistance under this Act terminates on the date that is 15
 22 years after the date of enactment of this Act.

Calendar No. 372

110TH CONGRESS
1ST Session

S. 800

[Report No. 110-174]

A BILL

To establish the Niagara Falls National Heritage
Area in the State of New York, and for other
purposes.

SEPTEMBER 17, 2007

Reported with an amendment